

EXHIBIT 38
DECLARATION OF
KEVIN CAMPBELL

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

KEVIN CAMPBELL,

X Docket No.:
22 CV 7662

Plaintiff,

-against-

DECLARATION OF
KEVIN CAMPBELL

FEDERAL EXPRESS CORPORATION,
FEDEX EXPRESS, and ERIC WANDERS,
INDIVIDUALLY,

Defendants.

X

1. I, Kevin Campbell, the Plaintiff in this case, declare under penalty of perjury that the foregoing is true and correct.
2. All of the allegations of discrimination and harassment in my Complaint and deposition transcript are accurate.
3. However, I am submitting this declaration regarding the following allegations because at my deposition, FedEx's lawyer himself read these specific allegations into my transcript without asking me to confirm their substance or dates under oath.
4. In the Summer of 2020, many of my white and Latino co-workers began coming to work expressing blatantly racist views in the wake of George Floyd's murder and the protests that followed.
5. For example, on June 1, 2020, Peter Lorenzi, one of my co-workers at the time, loudly yelled out to me calling me "Trayvon."
6. This was a blatantly racist and threatening reference to Trayvon Martin, the Black teenager shot and killed by George Zimmerman.
7. George Floyd had just died days prior.
8. I attempted to ignore Peter's racist and threatening comments and walked into the kitchen to wash my hands.
9. Peter did not stop, but followed me into the kitchen.
10. Peter saw me washing my hands and said "Why are you washing your hands for so long? Is it because you are not used to having running water in the projects?"

11. Peter made these comments against me because I am Black.
12. I had to repeatedly ask my managers to permit me to write a complaint against Peter.
13. After I submitted my written statement regarding Peter Lorenzi's threatening discrimination and harassment, Defendants continued to discriminate and retaliate against me.
14. Specifically, without my knowledge, someone at FedEx informed other workers that I had filed a complaint of racial discrimination against Peter Lorenzi, further contributing to the racially hostile work environment in which I was forced to work.
15. Peter was suspended for five days and was ultimately allowed to keep his job.
16. During the Summer of 2020, another co-worker who I know as Rob the Mechanic, said to me "How is your new TV?"
17. I asked Rob to explain what he meant by this comment and he stated that he was referring to "the TV that you stole during the riots."
18. This was a racist reference to the demonstrations that were taking place in New York City at that time following the death of George Floyd.
19. Rob was accusing me of being a "rioter" or "looter" because I am a Black man.
20. However, I had not taken part in any demonstration, much less stolen any property.
21. In or around July 2020, "JC" and Jeffrey Durante, two of my coworkers, walked over to me, where I was standing near a cage where packages are stored.
22. Durante said to me "How about I put you in that cage like the gorilla you are."
23. This statement was a racist use of long-standing and deeply-seated tropes painting Black people as animals and sub-human.
24. A few days after this incident, David Almeda, another courier for FedEx, walked over to where I was standing with two managers, Michael Bradley and Steve Pasqualicchio.
25. In front of these two managers, Almeda said about me "Doesn't this guy look like someone who would steal your car radio and then try to sell it back to you?"
26. Almeda's comment was another racist reference to Black people being criminals.
27. The absence of any allegations from this declaration is not meant to detract from their truthfulness or importance but simply indicates that I was allowed to confirm their substance on the record at my deposition.

28. I am from Bedford-Stuyvesant in Brooklyn.
29. I say this because I testified at my deposition that during my private conversation with Lance Reyes, he told me that he and I are from the same neighborhood.
30. I know that Lance testified at his deposition that he is from Bedford Stuyvesant, confirming that we are in fact from the same neighborhood.
31. I would have no way of knowing we are from the same neighborhood, as I testified to, if Lance had not told me.
32. I provided my attorney with a recording of a telephone conversation between me and Aldamel Spencer, another Black man employed at FedEx.
33. I recorded that telephone conversation after I saw a missed phone call from Aldamel Spencer following his conversation with a representative from FedEx.
34. Knowing that FedEx has been less than truthful during their dealings with me, I knew it was best to record my conversation with Mr. Spencer so that no one at FedEx could dispute what was said.
35. The two voices on that recorded telephone conversation are of Aldemel Spencer and me.
36. I understand that a court reporter transcribed the telephone conversation.
37. I have reviewed the transcript and it accurately reflects the contents of the audio recording.

Dated: September 12, 2024

Kevin Campbell

Kevin Campbell